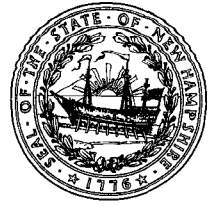




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY  
WET 06-047**

May 23, 2006

Gilles & Tasha Hebert  
279 South Stark Hgwy  
Weare, NH 03281

RE: DES Wetlands File #2006-00687 279 South Stark Hgwy, Weare

Dear Mr. & Ms. Hebert:

On April 18, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Weare Tax Map 412 as Lot 243 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. A road to access the back of the property had been constructed. Three wetland crossings had been installed as follows:
  - a. Crossing #1 is located to the south of the existing house and driveway. Approximately 2,000 square feet of wetland has been impacted by grubbing, grading and vehicle traffic traveling over the surface.
  - b. Crossing #2 is located behind the house as the road continues toward the back of the property. A culvert had been installed and backfilled, resulting in approximately 400 square feet of wetland fill.
  - c. Crossing #3 has been constructed to access a gravel excavation area. Approximately 200 square feet of wetland has been impacted by vehicle passage over this wetland.
2. No erosion controls had been installed on the site and the fill adjacent to the wetland had not been vegetated, leaving the slopes unstable.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Include provisions in the restoration plan for removing the wetland fill and restoring the wetland on the Property. Submit the following with the restoration plan:

a. A plan with dimensions, drawn to scale, showing:

1. Existing conditions, with wetland boundaries;
2. Proposed conditions after reestablishing the jurisdictional areas; and
3. Location and proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area.

b. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date. The construction sequence should include provisions for the following:

1. Removal of the fill and culvert on the wetland on crossing #2.
2. Seeding of the graded wetland areas on crossings #1 & #3 with a wetland seed mix and mulching with straw.
3. Planting a row of trees and at least 4 feet in height along the fill and wetland boundary on crossing #1. The type of tree species must be approved by DES Wetlands Bureau.
4. Removal of any additional fill or slash in the wetland.
5. Completion of the wetland restoration activities by July 1, 2006.

c. By September 30, 2006 and June 30, 2007, submit photos documenting that the wetland crossings have been restored including at least 75% survival of all vegetation planted during the restoration project.

2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

A handwritten signature in cursive script is written over a large, bold, outlined word "COPY". The signature appears to be "Collis G. Adams".

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 6933

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Weare Conservation Commission  
Weare Board of Selectmen  
USACOE